



Georgia M. Pestana
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

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MEMO ENDORSED

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February 7, 2022

BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, York 10007

Re: In Re McDaniel Litigation
19 Civ. 7680 (AJN) (KHP)

Your Honor:

I am one of the attorneys in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, assigned to the above referenced matter.¹ Defendants City of New York, Nicholas Evangelista, Christopher Bobell, Julian Febres, William Kelly, Edwin Sanchez, Steve Rathjen, Rosanna Espinal and Judy Biondolillo write to request an adjournment of the telephone Court Conference, currently scheduled to be held on February 8, 2022, at 12 p.m. Due to Plaintiff's incarceration, Defendants were unable to receive his consent before making the instant application.

In anticipation of tomorrow's court conference, February 4, 2022, Defendants called Bare Hill Correctional Facility ("Bare Hill") to coordinate Plaintiff's appearance at the conference. During that conversation, Defendants were told that the liaison assigned to coordinate Plaintiff's court appearances, Ms. Sheila Rock, was unavailable. Following the conversation, by email on February 4th, Ms. Rock was informed of the upcoming court conference. After receiving no response to that email, on Monday, February 7th, Defendants again called Bare Hill and was told that Ms. Rock would not be in the office until the morning of February 8th and would not be able to coordinate Plaintiff's appearance at a conference later that day. Counsel was also informed that there was no-one else who could perform Ms. Rock's duties with respect to Mr. McDaniel's court appearance. As such, Defendants respectfully submit that an adjournment is necessary and would be in Plaintiff's best interest.

¹ Assistant Corporation Counsel Tyler Abboud, Esq. is also assigned to this matter.

Defendants thank the Court for its attention to this request.

Respectfully submitted,

Danielle Clayton /s

Danielle Clayton

Assistant Corporation Counsel

cc: Curtis McDaniel (**By First Class Mail**)
DIN No. 20-A-0242
Plaintiff Pro Se
Department of Supervision and Correctional Services
Bare Hill Correctional Facility
Caller Box 20
181 Brand Road
Malone, New York 12953

APPLICATION GRANTED: The telephonic Case Management conference in this matter currently scheduled for Tuesday, February 8, 2022 at 12:00 p.m. is hereby adjourned to Tuesday, March 15, 2022 at 12:15 p.m. It is hereby ORDERED that the Warden or other official in charge of the Bare Hill Correctional Facility produce plaintiff Curtis McDaniel, Inmate Number 20-A-0242, on March 15, 2022, no later than 12:15 p.m., to a suitable location within the Bare Hill Correctional Facility that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234. Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the Bare Hill Correctional Facility to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date; (3) call into Judge Parker's AT&T teleconference line (866) 434-5269, Access Code: 4858267, with the plaintiff on the line, at the time and date of the conference.

The Clerk of Court is requested to mail a copy of this order to the pro se Plaintiff.

APPLICATION GRANTED

Katharine H. Parker

Hon. Katharine H. Parker, U.S.M.J.

02/08/2022